FRANCIS SMITH TRACT

ABSTRACT

OF

TITLE

TO

COUNTY OF SAN

STATE OF CAL

Dated. 188

Made at the Request of

EDWARDS & PITMAN,

Searchers of Records

THIS ABSTRACT MUST BE RETURNED TO
SECURITY SAVINGS BANK, SAN JOSE, CAL.
BO. 179 PAGE 146
ABSTRACT OF TITLE OF PROPERTY OF
Boynton Book

3
F. H. Boynton
Box 13.

VIII - 26
CBW

Abstract of Title.

To

All that certain tract of land in the County of Santa Clara State of California and being part of the Quito Rancho and particularly described in the deed from Arguello et al to Warburton dated Jan 20. 1870 and hereinafter set forth.

Subsequent to December 15. 1865.

Also all that certain piece of land in said County and State described as in the deed from Pullam to Warburton set forth on page 77 of this Abstract.

Subsequent to August 1. 1871.

Also all that certain tract of land in said County and State described as in the deed from Warburton to Robinson dated Dec. 24. 1868 as Lot 3 in Sec 16 T 7 S R 1 W.

Subsequent to the date of said deed.

Also all that certain tract of land in said County and State described in the Patent from the United States to Francois Bunette dated May 10. 1869

Subsequent to December 24. 1868.

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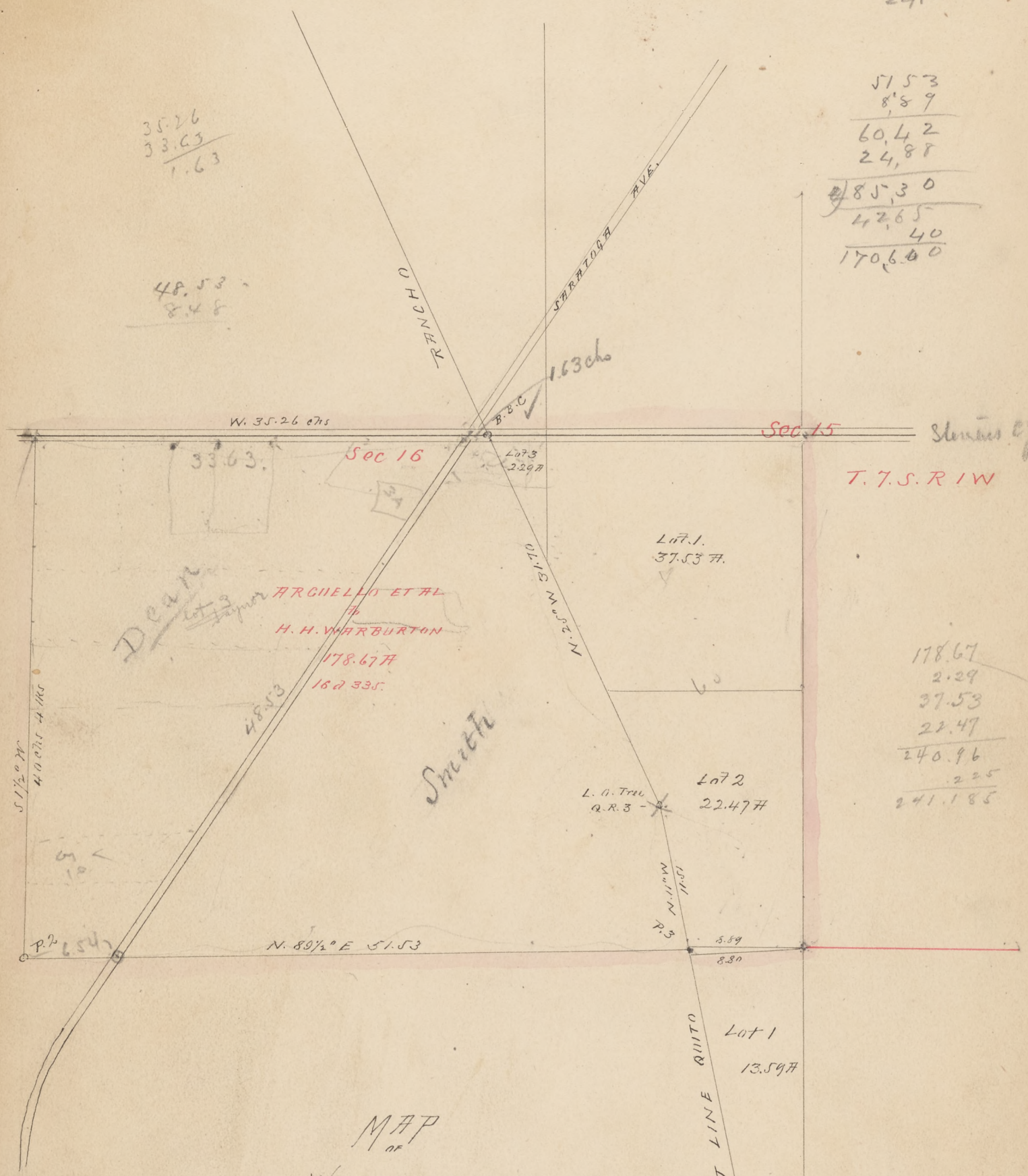

MAP
OF
WARBURTON TRACT

PART OF QUITO RANCHO (") LOT 3 SEC 16
(") LOTS 1 & 2 SEC. 15. (") PART OF LOT 1 SEC 22

T. 7. S. R. 1. W.

EDWARDS & PITMAN.
Searcher of Records.
38 KNOX BLOCK.
SAN JOSE, - CAL.

178 $\frac{67}{100}$ acres Part of
Rancho Quito.

Soledad O. de Arguello
Jose Ramon Arguello
by their Attorney in fact
S. M. Meyer and
S. M. Meyer.

To

Henry H. Fairbrother

Agreement

Dated Dec. 15, 1865

Cons $6187 84/100

Agree to convey all that certain tract of land in the State of California County of Santa Clara etc being a part of the Rancho Quito containing 178 67/100 acres and same forming described as in deeds from Arguello et al To H. H. Fairbrother dated Oct. 10, 1869. and June 20, 1870. and hereinafter set forth

(Signed) S. O. de Arguello. (Seal)
by her Atty in fact
S. M. Meyer.
J. R. Arguello (L. S.)
by his Atty in fact
S. M. Meyer
S. M. Meyer (L. S.)

H. H. Harbertson <L.S.>

Acknwgd Dec. 20, 1865

By D. M. Meyers
as atty in fact of
Soledad O. de Arguello
Jose Ramon Arguello
Before Tyler Beach N. P.

Acknwgd Dec. 20. 1865

By D. M. Meyers and
H. H. Harbertson
Before Tyler Beach N. P.

Recorded April 7. 1866
Liber No of Miscellaneous Records page 470

H. H. Warburton

To

T. Ellard Burns

Deed

Dated April 27, 1868

Cons $2200 -

Remise release and quit claim unto the said party of the second part and to his heirs and assigns forever. All that certain tract of land lying and being situate in the County of Santa Clara and State aforesaid, bounded and described as follows to wit: L Same as described in deed of Soledad O. de Arguello and Jose Arguello to H. H. Warburton dated Jan. 20. 1870 and recorded in Liber 16 of Deeds page 494 >

< Sgd > H. H. Warburton < Seal >

Ackgd April 27. 1868

Before C. C. Stephens N. P.

Recorded April 28. 1868

Liber 9 of Deeds page 80

The Bank of San Jose

To

H. H. Warburton

Agreement

Dated April 27. 1868

The Bank of San Jose bal April 27. 1868 received of H. H. Warburton a deed and assignment of Agreement from S. O. de Argüello J. R. Argüello and S. M. Hoeger to said Warburton for the conveyance of a certain tract of land being part of the tract of land known as Rancho Quito in the County of Santa Clara containing 178 67/100 acres, said deed and assignment of Agreement is made to secure the payment of $2250 — and will be surrendered up to said Warburton upon payment of said sum and the interest that may be due thereon.

(Signed) T. Ellard Beans (Seal)

Recorded April 30. 1868

Liber "C" of Miscellaneous page 151

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T. Ellard Beans

To

H. H. Harbourton

Deed

Dated April 27, 1868

Cons $2250.-

Remise release and quitclaim unto the said party of the second part and to his heirs and assigns forever. all that certain tract or piece of land situate in the County and State aforesaid, bounded and described as follows. to wit: Same as described in deed of H. H. Harbourton to T. E. Beans dated April 27, 1868 and recorded in Liber 9 of Deeds page 807

(Sgd) T. Ellard Beans (Seal)

Ackngd April 29, 1868

Before C. C. Stephens N. P.

Recorded Oct. 30, 1868

Liber 12 of Deeds page 148

11

T. Ellard Beans

To

H. H. Harbarton

Bond

Dated July 18. 1868

Amount $2600-

Know all men by these presents:
That I T. Ellard Beans &c am held and firmly bound unto H. H. Harbarton &c. in the sum of &c. to be paid to the said H. H. Harbarton his executors, administrators or assigns, for which payment well and truly to be made. I hereby bind myself and each of my heirs executors and administrators firmly by these presents, &c
The condition of this obligation is such that if the above bounden obligor shall on the 27th day of Oct. 1868 make execute and deliver unto the said H. H. Harbarton provided that the said H. H. Harbarton shall on or before that day have paid to the said obligor the sum of $2600- the price and all interest due thereon, a quit claim deed of all that certain piece or parcel of land lying and situate in the County of Santa Clara &c describes

178 $\frac{67}{100}$ acres part of the Quito Rancho property under search) Then this obligation to be null and void, otherwise to remain in full force and effect

(Signed) T. Ellard Beans (Seal)

Received August 29, 1868 of H. H. Warbrooke $600 in part payment of the $2600 mentioned in this Bond

T. Ellard Beans

Ackgd (By T. Ellard Beans) July 18, 1868
Before C. C. Stephens J. P.

Recorded Aug. 19, 1868
Liber "C." of Miscellaneous Records page 210

Soledad O. de Arguello
and Jose R. Arguello
and S. M. Meyes
To
H. H. Warburton

Deed

Dated Oct. 10. 1869.

Cons. $6187.34/100

Do grant bargain and sell convey and confirm unto the said party of the second part and to his heirs and assigns forever. All that certain tract of land in the State of California County of Santa Clara. and being a part of the tract of land known here as Rancho Quito and bounded by a line commencing at a post marked P. 2. at the South East corner of Bollingers land; thence North Eighty nine and a half degrees East fifty one chains and fifty three links to a stake marked P. 3. on the North East boundary of said Quito Rancho thence on said boundary. North 11° W. 11 chs 51 links to a live oak tree marked 2. R. B. and North 25° W. 31 chs and 79 links to a stake marked B. B. B. in the center of the bound

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Road leading from San Jose West to the mountains. thence along said Road West 35 chains and 26 links to a stake marked T.I. at Bollingers N. E. corner thence S 1½° East 40 chains and four links to the place of beginning. Containing 178 67/100 Courses being true Meridian Mag Var. 16° E.

(Sgd) S. O. de Argüello (Seal)
By her Atty in fact
Sidney L Johnson
J. R. Argüello (Seal)
By his Atty in fact
Sidney L Johnson
S. M. Hayes (Seal)
By his atty in fact
Sidney L. Johnson

Acknowd Dec. 10. 1869
By Sidney L. Johnson
As atty in fact
Before F. V. Sutton N. P.
City and County of San Francisco

Recorded Jany 3d 1870
Liber 16 of Deeds page 335

Soledad O. de Arguello
and Jose Arguello
To
H. H. Warburton

Deed

Dated January 20. 1870

Cons $1.00

That whereas the said parties of the first part did on the 1st day of July A.D. 1853 make and appoint one S. M. Meyer their Attorney in fact, which said Power of Attorney bears date of July 1st 1853 and is recorded in the Office of the County Recorder of San Francisco and State of California in Book 3 of Powers of Attorney page 54 and whereas said parties of the first part did afterwards make a supplemental power of Attorney thereto unto the said S. M. Meyer bearing date of the 26th day of Feby A.D. 1855 and recorded in Book A. of Powers of Attorney page 482 in the Office of the Recorder of the County of Santa Clara and State of California, and whereas the said S. M. Meyer did afterwards substitute one Sidney D.

Johnson as Attorney in fact for said parties of the first part which said last Power of Attorney bears date the 18th day of June 1867 and recorded in the Office of the Recorder of the County last aforesaid in Book B. in Powers of Attorney page 167 and whereas the said Sidney S. Johnson did afterwards for and as attorney in fact of the said parties of the first part make and execute to the said party of the second part a deed of conveyance of certain lands hereinafter described, of and which the said parties of the first part owned an undivided interest, the said conveyance bearing date the 10th day of Dec. 1869 and recorded in the Office of the Recorder of the County last aforesaid in Book 16 of Deeds page 326 and whereas certain doubts have arisen as to the validity of the said deed of conveyance made and executed as aforesaid This Indenture Witnesseth that for the purpose of quieting and removing the said doubts as to the validity of the said Deed of conveyance and in consideration of the sum of &c. do grant-bargain and sell convey and confirm unto the said party of

the second part and to his heirs and assigns forever all their right title and interest of in or to that certain tract of land lying and situate in the County of Santa Clara and State of California and being a part of the tract of land known thereas "Rancho Quito" and bounded by a line commencing at a post marked P. 2. at the Southeast corner of Bollingers land, thence North Eighty nine and a half degrees east fifty one chains and fifty three links to a stake marked P. 3. on the North east boundary of the said Quito Rancho, thence on said boundary South eleven degrees West, eleven chains and fifty one links to a White oak tree marked Q. R. B and South twenty five degrees West thirty one chains and seventy links to a stake marked B. B. C. in the center of the County road leading from San Jose west to the Mountains, thence along said Road West thirty five chains, and twenty six chains links to a stake marked I. I at Bollingers Southeast corner thence South one half degrees East forty chains and four links to the place of beginning. Containing

Contents found correct
E. S. P.

178 $\frac{67}{100}$ acres of land, bounded by true meridian. Mag var. being 16° East.

(Signed) Soledad O. de Arguello (Seal)

J. R. Arguello (Seal)

Ackgd Feby 10. 1870

Before John Erkson N. P.

Recorded Feby 14. 1870

Liber 16 of Deeds page 494

Soledad Ortega de Arguello
and Jose Ramon Arguello.

To

S. M. Meyer

Power of Attorney

Dated July 1. 1853

This Indenture made this first day of January one thousand eight hundred and fifty three between Soledad Ortega de Arguello and Jose Ramon Arguello of the County of Santa Clara, of the first part and S. M. Meyer of the City of San Francisco of the second part. Whereas the said parties of the first part, are part-owners of certain lands, tenements and other Real Estate and property in the County of San Francisco, consisting more especially of unsold land portions of the tract of land commonly called the Rancho de las Pulgas and whereas the said property owing to the unsettled state of the Country and the difficulties and uncertainties at present existing in relation to land titles in California requires the management and attention of a person

person acquainted with the language, laws, usages, and customs of the people of said State of which said language, laws, usages, and customs, the said parties of the first part by reason of the political changes, which have recently taken place are ignorant, and whereas the said parties of the first part by two certain indentures, one bearing date the 19th day of July one thousand eight hundred and fifty one, and recorded in the office of the recorder of the County of San Francisco in Book 1 of Powers of Attorney, page 419 and the other bearing date the eighth of October one thousand eight hundred and fifty one and recorded in the office of the Recorder aforesaid in Book 2 Powers of Attorney page 21, made constituted and appointed the said party of the second part their Attorney in fact for the management of said lands, and the care and transaction of their business affairs, as by reference to the said letters of attorney or instruments in writing will more fully and at large appear &c.

Do make, ordain, constitute and appoint the said party of the second part, the true

and lawful Attorney of them, the said parties of the first-part, and in their name, place and stead xxx to make and execute any releases, compromises, compositions, agreements or contracts, by deed or otherwise in his opinion necessary or expedient in the premises &c xxx to sell, barter, exchange, mortgage, lease convey and dispose of any real estate of which they or either of them are or is now seized or possessed in fee simple or for any less estate to any person or persons, or for any price or in any manner whatsoever, and for these persons to execute and acknowledge any deeds, mortgages, leases or other conveyances or assurances &c xx hereby giving and granting unto their said Attorney full power to substitute one or more attorney or attorneys under him in or concerning the premises or any part thereof &c xxxxxx And the said parties of the first-part in consideration of the premises do hereby covenant and agree to and with the said party of the second part, that this Power of Attorney shall be irrevocable for the term of ten years from the date hereof and that in the case of the death of themselves or either of them, the

same shall be binding upon his or her heirs executors and administrators, and the said party of the second part in consideration of the premises, hereby covenants and agrees to accept the trust aforesaid for the said term of ten years, and to discharge the duties of the agency hereby created according to the best of his ability.

(Sgd) Mar. Soledad C. D. Arguello (Seal)
J. R. Arguello (Seal)
S. M. Meyers (Seal)

Ackgd Nov. 1. 1853
Before Caswell Davis N. P.
San Francisco Co.

Recorded Nov. 4. 1853
Libro 3 Powers of Attorney p 341
San Francisco County

Note: The foregoing Power of Attorney is not of record in this Santa Clara County

Soledad O. de Arguello
Jose Ramon Arguello
To
S. M. Meyer.

Power of Attorney

Dated Feby 26. 1865

Make constitute and appoint S. M. Meyer our true and lawful attorney for us and in our name, place and stead to enter into and take possession of all such messuages, lands tenements, hereditaments, Real Estate, whatever in the State of California whereof we now have or may in any other way be intitled to, and to grant, bargain and sell, the same or any part or parcel thereof for such sums of price, or on such terms as to him shall seem meet, and for us and in our names place and stead, to make execute acknowledge and deliver, good and sufficient deeds and conveyances, either with or without covenants, or warranty, and until the sale thereof to let and demise the same for the best rent that can be procured therefor and to ask, demand, recover and receive,

all sums of money becoming due and owing to us by means of such bargain, Sale & x x x

To compound and agree for the same and execute good and sufficient discharges and acquittances therefor. Full power of substitution and revocation. This letter of Attorney is intended to be supplemental to a certain other letter of Attorney made by first parties to second party on January 1st 1863 and recorded in San Francisco County Book 3 Powers of Attorney page 541 and shall be and remain irrevocable and in full force and virtue until December 31st 1863, pursuant to the terms of the letter of Attorney last above mentioned

Ackgd Feby 26. 1865
Before Geo. T. Knox N. P.
San Francisco County

Recorded Oct. 29 1867
In San Mateo County

Recorded July 3. 1862
Liber A. Powers of Atty page 482
Santa Clara County

S. M. Meyer
To
Sidney L. Johnson

Power of Attorney

Dated June 16 1867

Do make constitute and appoint Sidney L. Johnson of the City and County of San Francisco State aforesaid my true and lawful Attorney for me and in my name place and stead and for my use and benefit &c. And in my name as my act and deed to sign, Seal, execute deliver and acknowledge such deeds, covenants, indentures &c. &c.

<Sgd> S. M. Meyer <Seal>

Ackgd June 17. 1867
Before Henry Haight - N. P.

Recorded July 19. 1867
Liber B. of Powers of Attorney pag 167.

$62\frac{29}{100}$ acres Part

Sections 15. 16. T 7 S R 1 W.

H. H. Harbarton

To

Luke Robinson

Deed

Dated Dec. 24th 1868

Cons $3100.00

Does remise release and quitclaim unto the said party of the second part all the following described tracts or circles of land situated lying and being in the County of Santa Clara State of California and described as follows. viz. Lots One (1) and Two (2) in Section fifteen (15) and Lot Three (3) in Sec. Sixteen (16) all in Township Number Seven (7) South and Range Number One (1) West. Mount. Diablo Meridian and containing 62 29/100 acres of land according to United States Survey.

(Signed) H. H. Harbarton (Seal)

Acknowd January 5. 1869

Before J. M. Billings N. P.

Recorded January 6. 1869

Liber 11 of Deeds page 523

The United States of America

To

Francois Pommette

This patent void on its face See 47 Cal 554.

Patent

Dated May 10. 1869

Certificate } Recites 7th clause of Treaty with
No. "166 C." } Chippewas of Lake Superior that each head of a family &c be entitled to 80 acres of land to be selected by them under the direction of the President.

And whereas there has been deposited in the General Land Office of the United States a certificate of the Register of the Land Office at San Francisco Dec. 189. whereby it appears that Chippewa Certificate No. 166 C. in the name of Francois Pommette for 80 acres issued by the Commissioners of Indian affairs &c has been located and surrendered by the said Francois Pommette in full satisfaction for the Lots numbered One and Two of Sec. 15 in Township 7 South of Range 1 West Mt. D. Mer. in the District of Lands subject to sale at San Francisco Cal. Containing 60 acres according

to the Official Plat of the public lands returned to the General Land Office by the Surveyor General which said Tract has been located by the said Francois Vorrette and to his heirs the above described, Now Know Ye. That the United States of America in consideration of the premises and by these presents Do Give and Grant unto the said Francois Vorrette and to his heirs the said tract above described

(Seal) Lsd) By the President-
U. S. Grant
By J. V. Barrett
Secretary

Recorded July 16 1869
Liber H of Patents p 219.

Francois Brunette
By his Attorney in fact
John G. Fraser of
San Francisco

To

A. H. Parker and
E. O. F. Hastings

Deed

Dated July 15. 1869

Cons. $500.-

Does grant bargain and sell unto the said parties of the second part, and to their heirs and assigns forever. all that certain piece and parcel of land situate lying and being in Santa Clara County California, described as follows. that is to say

Lots One and Two (1 & 2) of Section Fifteen (15) Township Seven (7) South Range One (1) West. Mount Diablo Meridian. Containing Sixty acres and being the same land patented by the United States to the party of the first part on the Tenth day of May A.D. 1869 and designated as Patent or Certificate Number "116."

(Sgd) Francois Brunette (Seal)
By his Attorney in fact Jno. G. Fraser

Ackg^d July 15. 1869

By Jno Y. Fraser
as the Attorney in fact of
Francois Brunette
Before H. H. Chevers Jr. P.

Recorded July 16. 1869

Liber 15 of Deeds page 154

Francois Brunette
To
John G. Fraser

Power of Attorney

Dated Nov. 29th 1864

Have made constituted and appointed John G. Fraser my true and lawful Attorney for me and in my name place and stead, and do hereby authorize and empower the said John G. Fraser to Grant, bargain, sell, convey and confirm, unto the purchaser thereof, for such sum as he may deem proper, the following described piece and parcel of land, lying and being in any land district of the United States to be patented to me by the United States and fully described in said Patent to be for whatever land is located for me in my name by Chippewa Half Breed Scrip 166 C. dated Nov. 4th 1864 for Eighty acres of land issued to me under Treaty of September 30th 1854 made at La Pointe Wisconsin, by the United States with the Chippewas of Lake Superior and the Mississippi: and for me and in my name to execute and deliver to any purchaser

thereof all good and sufficient Deed or Deeds and conveyances thereof, Granting unto my said Attorney full power and authority to do and perform everything whatsoever required and necessary to be done as I might or could do if personally present — and performing the same without revocation

(Sgd) Francois his X mark Prunette (Seal)

Sealed & delivered in
Presence of Geo. H. Oakes
Clements H. Beaulieu

Ackgd Nov. 29th 1864

Before Robert Fairbanks N. P.
County of Crow Wing State of Minnesota

Certificate April 10. 1867

H. C. Rogers Secretary of State of State of Minnesota with State Seal attached

Recorded July 16. 1869

Liber B. of Powers of Attorney p. p. 274

Luke Robinson

To

H. H. Warburton

Deed

Dated June 20. 1871

Cons-

Grant bargain and sell unto the said party of the second part and to his heirs and assigns forever. all that certain tract or parcel of land, situate lying and being in the County of Santa Clara in the State of California and known as Lot number three (3) of Section Number Sixteen (16) in Township Number Seven (7) South and Range Number One (1) West Mt. D. Meridian Containing 2 29/100 acres of land according to United States Survey and also the Certificate of purchase of said tract of land issued to me on the 14th day of June 1871 by the State of California and numbered 175.

(Signed) Luke Robinson (Seal)

Ackngd June 28. 1871

Before Jas B. de Jarnatt N. P.

35

Recorded July 6th 1871

Liber 22 of Deeds Page 271

In the District Court of the Third Judicial District of the State of California in and for the County of Santa Clara

Rudolph H. Parker
& E. O. F. Hastings
Plaintiffs

vs

Green Duff
Amos Robinson
John Doe and
Richard Roe
Defendants

Lis Pendens

Dalton Feby 20. 1872

Notice of action commenced in above named Court to compel said Plaintiffs to convey to said Defendant ~~the~~ Robinson the real title to that certain piece or parcel of land situate in Santa Clara County State of California and being Lots 1 & 2 of Sect. 15 Twp 7 South Range 1 West M. D. Mer. and general relief is is claimed in said cross complaint.

Moore Laine & Lieb Attys for Defendants

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Recorded Feby 20. 1872

Liber 1 of Lis Pendens page 196.

3rd District Court of Santa Clara Co.
State of Cal.

A. H. Parker and
E. C. F. Hastings
Plaintiff

vs.

Grem Duff
Amos Shenshaw
Luke Robinson and
Jno Doe and Richard Roe.
Defendants.

Suit No. 3149

1870
Mch 23 Complaint filed - shows that Plaintiff were on August 1st 1869 the owners of and seized in fee and possession of and ever since then have been and are yet the owners in fee and entitled to possession of all that certain track of land in the County of Santa Clara State of Cal. described as follows to wit: Lots one and two of Section 15 Township 7 South Range 1 West

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Mt. Diablo Meridian. Containing 60 Acres of land more or less and being the same track of land patented to Francisco Brunette. That said defendant on Dec. 1st 1859 wrongfully and unlawfully entered into and upon said premises and still hold possession of same. Prays for possession of said premises and Costs.

Mantrie and Lovell
Atty's for Plaintiffs

Summons issued.

1870 Mch 24 Summons filed on return with affidavit of N. R. Harris Sheriff. that on March 24th 1870 he personally served defendants Duff, Robinson and Henshaw.

Apr. 1 Demurrer filed

May 9 Motion and order withdrawing Demurrer ~~filed~~ and granting 30 days to answer ~~filed~~.

Jun 7 Stipulation extending time to answer filed.

July 26 Answer and Cross Complaint filed make general denial and that on Jan.

1st 1864 one H. H. Warburton was in the actual possession of land and premises described in Plaintiffs Complaint and held possession of same from Jan. 1st/64 Continued down to Dec. 24th 1868, that on Dec. 24th 1868 said Warburton for $2,900 00/100 Conveyed to defendant Luke Robinson his right and title to said premises, and said Luke Robinson then and there received and took possession of same. Recites Power of Atty. to Fraser and Robinson also issuance of Patent by the U. S. to F. Brunette. Recites deed given by Fraser Atty for Brunette to Plaintiffs. Prays for Conveyance to defendant Luke Robinson of said lots 1 and 2 &c. and for Costs.

Aug 15 Answer to Cross Complaint filed.

Sept 21 Stipulation granting Plffs leave to interpose a Demr to Cross Complaint, the same to be treated as though filed at time of filing pleffs answer

Sept 21 Demurrer to Cross Complaint filed

" 27 " Argued and submitted

18/71 Jan 10 Motion and order sustaining Demurrer to Cross Complaint

" 10 Order granting defts 2 days in which to amend Cross Complt

" 12 Defts amendments to original Answer & Cross Complt filed

" 14 Demurrer of Plaintiffs to defts Answer & Amended Cross Complaint filed

" 25 Judgment on Demurrer entered. Cause submitted on pleadings

Finding for Plaintiffs.
Notice of Appeal filed.

1871

Jan 25 Demurrer to Defts Answer & Amended Cross Complaint argued submitted & sustained.

" " Order dismissing Defts Cross Complaint (they having refused to further amend said Cross Complaint) and rendering judgment in favor of Pltffs for costs.

Memo. of costs & disbursements filed.

" 28 Judgment entered in favor of Pltffs & against defts for the recovery of premises described in the Complaint together with costs & disbursements amounting to $33.55.

Judgment recorded in Judgment Book E p 398.

Roll filed & judgment docketed.

Defts bill of exceptions filed.

Feb 15 Notice of appeal from judgment entered January 28.71 and the whole thereof filed.

" 18 Bond on appeal filed.

" 21 Stipulation (dated Sept 16.71) that defts may give bond to stay judgment in so far as the possession of the land is concerned in the sum of $400. filed.

1872

Jan 24 Notice of appeal from order ~~sustain~~ -aining Plffs demurrer to amended answer & cross complaint of defts & from the whole thereof and also from the final judgment dismissing said amended answer & cross complaint filed.

Jan. 25 Stipulation that the usual undertaking on appeal is and shall be waived and that said appeal may be heard & determined with like effect as if a $300 bond for costs on this appeal had been given within the Statutory time filed

1874

Feby 19 Remittitur from Supreme Court reversing judgment with costs & remanding cause for a new trial filed.

June 6 Motion and order for judgment judgment entered in favor of defts. Ordered adjudged and decreed that the said judgments of this Court heretofore made and entered in favor of Plffs and against defts be and the same are hereby set aside

annulled and vacated and that the defts do have and recover of & from the Plffs their costs of suit taxed at $159.35 and that execution issue therefor.

Judgment recorded in Judgment Book 7 page 589.

1874
June 6 Roll filed. Judgment docketed Memo of costs & disbursements filed.

A H Parker
To
T. H. Laine

Deed

Dated Aug. 28. 1874

Cons $400.-

I grant bargain and sell unto the said party of the second part and to his heirs and assigns forever all that certain lot piece or parcel of land situate lying and being in the said County of Santa Clara State of California and bounded and particularly described as follows to wit: Lots numbered One (1) and Two (2) of Section Number Fifteen (15) in Township Number Seven (7) South Range Number One (1) West M.D.B. Meridian and containing 60 acres of land according to United States Survey.

(Signed) A H. Parker (Seal)

Ackgd Aug 28. 1874
Before John R. Hewson N. P.
Recorded Aug 28. 1874
Liber 33 of Deeds page 316

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E. O. F. Hastings

To

H. H. Harbourton

Deed

Dated Dec. 7. 1874

Consideration.-

I grant bargain and sell convey and confirm unto the said party of the second part and to his heirs and assigns forever. all the equal undivided one half of Lots Numbered One (1) and Two (2) of section Number fifteen (15) Township Seven (7) South and Range Number One (1) West-M.D.M. according to United States Survey and containing 60 acres of land. said tract of land being the same tract heretofore patented by the United States of America to one Francois Pommette. said land is situated in the County of Santa Clara. State aforesaid.

(Signed) E. O. F. Hastings (Seal)

Ackgd Dec 8. 1874

Before F. O. Wegener N. P.

Recorded Dec. 10. 1874

Liber 35 of Deeds page 281

Luke Robinson

To

H. H. Warburton

Deed

Dated Dec 8. 1874

Cons. $ &c.

I grant bargain and sell convey and confirm unto the said party of the second part and to his heirs and assigns forever, all his right title and interest in and to all that certain lot tract and parcel of land situated lying and being in the County of Santa Clara in the State of California and more particularly described as Lots Nos. One (1) and two (2) of Section Number fifteen (15) in Township Number Seven (7) South and Range Number One (1) W. Mt Diablo Meridian according to United States Survey, and containing 60 acres of land

(Sgd) Luke Robinson (Seal)

Ackgd Dec 30. 1874

Before S. H. Bishop

County Clerk of Colusa County

Recorded June 4. 1870

Liber 24 of Deeds page 197

Thomas H. Laine

To

H. H. Harbourton

Deed

Dated Dec. 8. 1874

Cons. $5.-

Grant-bargain and sell convey and confirm unto the said party of the second part and to his heirs and assigns forever All his right title and interest in and to those two certain lots and parcels of land situated lying and being in the County of Santa Clara in the State of California and more particularly described as follows. viz: Lots One (1) and two (2) of Section Number Fifteen (15) in Township Number Seven South and Range Number One West Mt. D Meridian according to United States Surveys and containing 60 acres of land be the same a little more or less.

(Signed) T. H. Laine (Seal)

Ackgd Dec 8. 1874

Before F. H. Cracker N. P.

Recorded Dec 9. 1874

Liber 34 of Deeds page 186

Part of Section
22 in Township Seven S R 1. W.

The United States of America

To

Charles H. Lapham

Patent

Dated Aug 1st 1871

Examined } Whereas Charles H Lapham of
Certificate } Santa Clara County, California
No. 2820 } has deposited in the General Land Office of the United States, a certificate of the Register of the Land Office at San Francisco Cal. Whereby it appears that full payment has been made by the said Charles H. Lapham according to the provisions of the Act of Congress of the 24th of April 1820 Entitled "An act making further provision for the sale of the Public Lands" for the Lots numbered One and Two of Section twenty two in Township Seven South of Range One West of Mt. Diablo Meridian in the District of lands subject to sale at San Francisco California, Containing Nineteen acres and Forty four hundredths of an acre according to the Official plat of the Survey of the said lands returned to the General Land

Office by the Surveyor General which said tract has been purchased by the said Charles H. Lapham Now Know Ye. That the United States of America in consideration of the premises &c do give and grant unto the said Charles H. Lapham and to his heirs the said Tract above described To have and To hold the same.

(Sgd) By the President
U. S. Grant
By J. Parrish
Secretary

(Seal)

Recorded July 3, 1872
Liber B. of Patents p. 69.

O. H. Lapham
To
San Jose Savings Bank
(a Corporation)

Mortgage

Dated Nov 3rd 1875

To secure payment of a promissory note of even date herewith for the sum of $6000 00/100 payable six months after date, without grace, with interest at the rate of 1% per month, payable monthly or to compound.

Mortgages property Lots numbered One and Two of Sec. 22 in Township 7 South of Range 1 West of Mt. Diablo Meridian, in the District of Lands subject to sale at San Francisco Cal. Containing 19 44/100 Acres. (and other property)

(signed) O. H. Lapham (Seal)

Ackd. Nov. 3rd 1875

Before James A. Clayton N.P.

Recorded Nov. 3rd 1875

Liber "1.2" of Deeds p. 92

State of California, In the Justices Court San Jose Township in and for the County of Santa Clara.

The San Jose Savings Bank
Plaintiff

Against

C. H. Lapham and
J. H. Morgan
Defendant

Attachment

Dated Aug 7th 1878

Attachment issued out of above named Court and Cause to make the sum of $296 58/100 interest and Costs.

Return of J. R. Hall Constable shows that on the 10th day of August 1878 he duly levied upon and attached all the right title and interest of C. H. Lapham in and to Lots 1 and 2 of Section 22 Township 7 South of range one West Mt. Diablo Meridian, Containing 19 44/100 Acres. (and other property.) situate lying

and being in Santa Clara County.

(signed) J. R. Hall Constable
Santa Clara Township.

Recorded August 10th 1878
Liber "3" of Attachment p. 65

In the Justices Court of Santa Clara Township in the County of Santa Clara State of Cal.

L. Lion and Co.
Plaintiff

vs

O. H. Lapham
Defendant.

Attachment

Dated Aug 17th 1878

Attachment issued out of above named Court and Cause to make the sum of $116 00/100 and Costs.

Return of E. E. Burke Constable of Santa Clara Township shows that on the 17th day of August 1878 he duly levied upon and attached all the right title and interest in and to Lots 1 and 2 of Sec. 22 in Township 7 South of Range 1 West Mt. Diablo Meridian, Containing 19 41/100 Acres, and other property situate lying and being in Santa Clara

County.

(signed) E. E. Burke Constable of
Santa Clara Township

Recorded Aug 17th 1878
Liber "3." of Attachments page 69

In the Justices Court of Santa Clara Township in the County of Santa Clara State of Cal.

E. Lawory
Plaintiff
vs
C. H. Laphaw
Defendant.

Attachment

Dated Aug 19th 1878

Attachment issued out of above named Court and Cause to make the sum of $76 95/100 and Costs.
Return of E. E. Burke Constable of Santa Clara Township shows that on the 19th day of August 1878 he duly levied upon and attached all the right title and interest of C. H. Laphaw in and to Lots 1 and 2 of Sec. 22 in Township 7 South of Range 1 West Mt. Diablo Meridian, Containing 19 44/100 Acres, situate lying and being in

59

Santa Clara County, (and other property)

(signed) E. E. Burke Constable
of Santa Clara Township.

Recorded Aug. 19th 1878
Liber 3 of Attachments p. 71

Charles H. Lapham
To
G. B. Watter

Mortgage

Dated Oct 16th 1878

To secure the payment of a promissory note of even date herewith for the sum of $2000 00/100 with interest at the rate of one per cent per month, interest payable quarterly, or to compound.

Mortgages Lot numbered One and Two of Section 22 in Township 7 South of Range One West of Mt. Diablo Meridian Containing 19 44/100 Acres of land. (and other property.)

(signed) C. H. Lapham (seal)

Ackd. Oct. 16th 1878
Before J. L. Knapp. N. P.

Recorded Oct. 16th 1878
Liber 31 of Mortgages p. 579

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In the 20th District Court, County of Santa Clara State of Cal.

The San Jose Savings Bank
Plaintiff

vs

C. H. Laphaum
Smith Brown
G. D. Watter
Eduard Mountjoy
L. Lion and Co.
E. Lannery
Defendants.

Suit No. 5454

1878 Nov 2	Complaint filed shows. That defendant C. H. Laphaum on Nov. 3rd. 1875 made executed and delivered to Plaintiff his certain promissory note for the sum of $6,000 00/100 payable in 6 months after date with interest at 1% per month payable monthly and if not so paid to compound, said note secured by a

mortgage made executed and delivered by said defendant Laphaum - by which he conveyed to Plaintiff the following described premises.

Lots 1 and 2 of Section 22 Township (7) South Range (17) West containing 19 $\frac{44}{100}$ Acres. Also 70 $\frac{03}{100}$ Acres of land part of the Quito Rancho (describing same) also the West half of the E. 1/2 of the N. W. 1/4 of Section 22 Township 7 South Range 1 West.

Said mortgage was duly recorded on Nov. 3rd 1875 in the office of the County Recorder of said County of Santa Clara in Liber 17 of Mortgages page 97.

Prays for Judgment for $4,717 $\frac{12}{100}$ with interest at 1% per month from Nov. 1st 1878 until paid, and for costs and Counsel fee and for sale of said mortgaged premises.

Summons issued.

Nov. 26 Summons filed on return affidavit of W. H. Love Deputy Sheriff that on Nov. 10th 1878 he personally served defendants C. H. Laphaum, G. B. Walter

Eduard Mountjoy, L. Lion and E. Lamery in Santa Clara County.
Affidavit of Jno. F. Zollner Sheriff of Napa County Cal. that he personally served - Smith Brown on Nov. 12th 1878 in Napa Co. Cal.

Nov 29 1879 Stipulation giving defendants G. D. Watter 25 days time to plead filed.
Jan 4 Demmurer of Deft. Smith Brown filed.
" 6 " " " " overruled.
" 13 Answer of Deft. Smith Brown filed.
" 20 Default of Dfts. - Lapham - Watter. Mountjoy - Lion and Lamery entered.
Feb 5 Findings filed show as follows; see p 67
" 8 Decree made entered and filed.
Judgment ordered in favor of Plaintiff for $4882.22 & $244.10 Counsel fee - also for $75.75 paid for Taxes, with interest at 7 % per annum from date hereof.
Ordered adjudged and decreed that those portions of the mortgaged lands described as follows; (same as described in the Complaint herein) be sold by the Sheriff at public auction after due notice &c.

that the Plaintiff or any of the parties to this suit may become the purchasers.

Feb 8 Judgment docketed and roll filed.

" 8 Order of sale made entered, and filed Orders sale of premises as described in the Complaint under search.

Apr 13 Order of sale filed on return shows — sale on March 22nd 1879 in the City of San Jose after due notice by pub=lication and posting, at public auction to the San Jose Savings Bank for $5427 00/100 of the premises under search. Certified Copy of Certificate of sale was duly recorded in the office of the County Recorder on March 22nd 1879 in Liber 1 Certificates of Sale page 524. Judgment entered satisfied on the Jud=gment docket.

Findings filed - shows

1st " Due notice of filing of Lis Pendens in the office of the County Recorder.

2nd " Due service of summons and Complaint on all Defendants.

3rd " Execution and delivery by defendant Laphaum of promissory note for $6000 00/100. as set forth in the Complaint herein.

That at the time of the commencement of this action, there was due and owing to Plaintiff by said Laphaum principal and interest the sum of $4,717 12/100 that the whole amount now due and owing as aforesaid by said Laphaum to Plaintiff is $5,266 17/100 Gold Coin.

4th " Execution and delivery of the mortgage as set forth in the Complaint herein.

5th " That the defendant Smith, Brownfield and owned two prior valid mortgages upon the following and next hereinafter described tract of land, the same being a portion of the Quito Rancho {describes same, property not under search}

And after certain other recitals the court

finds that the Plaintiff is entitled to a Judgment against said defendant C. H. Laphaum for the sum of $5,266 17/100 and it is so ordered, and that Plaintiff have leave to foreclose its said mortgage as to all the lands described therein except said portion herein particularly described as previously mortgaged to said Brown.

G. H. Lapham
Smith Brown
G. B. Walker
Edward Mountjoy
L. Lion & Co Ind
E. Lamory

By

N. R. Harris Sheriff
of Santa Clara County

To

San Jose Savings Bank

Deed

Dated Oct. 2d 1879

Cons $5427.00/100

Whereas a certain Decree and Order of Sale was on the 8th day of Feby A.D. 1879 duly made and entered by and in the District Court of the Twentieth Judicial District of the State of California in and for the County of Santa Clara in a certain Action therein pending for the foreclosure of a certain Mortgage and lien upon the premises hereinafter described in which said action the San Jose Savings Bank was Plaintiff and

C. H. Lafleur and others were Defendants and which said Decree was duly rendered in favor of said the San Jose Savings Bank &c. And whereas a copy of said Order of Sale was duly issued out of the said District Court and duly certified and attested the 12th day of Feby A.D. 1879 under the Seal of said Court and the hand of the Clerk thereof and to me as such Sheriff &c was commanded to sell said property in said Decree and Order of Sale &c. at public auction according to law &c and to apply the proceeds of such sale towards the Satisfaction of said Judgment and Decree &c. amounting to the sum of $5266-17/100 and the interest and cost of suit and expenses of sale &c. And Whereas said Sheriff did on the 22d day of March 1879. at 2 o'clock P.M. at the Court House door in the City of San Jose &c. sell the premises hereinafter described to the highest bidder The San Jose Savings Bank for the sum of &c. first having given due notice of sale and time and place thereof by publication &c. Whereupon the said Sheriff after receiving from said purchaser the said

sum of money, so bid as aforesaid gave to him such Certificate of said sale as is by law directed &c. and filed a duplicate in Office of County Recorder &c. And whereas six Calender months have fully elapsed, and no redemption having been made. Now therefore I the said H. R. Harris Sheriff of the said County of Santa Clara, in pursuance of the said Order of Sale &c and in consideration of the sum of &c. do grant bargain sell convey and confirm unto the said The San Jose Savings Bank its successors and assigns the Real Estate in said Order of Sale described as follows, to wit: Situate lying and being in the County of Santa Clara, State of California, bounded and described as follows viz: Lots numbered One and Two of Section 22. in Township 7 South Range 1 West Mt Diablo Base and Meridian in the District of lands subject to sale at San Francisco Containing 19.44 acres according to the Survey and maps of the Government of the United States (and other property).

(Sgd.) H. R. Harris
Sheriff of Santa Clara County State of Cal

Acknwgd Oct. 2. 1879

Before Jno. R. Lowe N. P.

Recorded Oct. 6. 1879

Liber 57 of Deeds page 621

San Jose Savings Bank
A Corporation
To
Hannibal Pullan

Deed

Dated Oct. 4. 1879

Cons $4000.-

I grant bargain and sell convey and confirm, unto the said party of the second part and to his heirs and assigns forever. All that certain piece or parcel of land lying and being in the County of Santa Clara, State of California, Bounded and described as follows to wit, Lots numbered One (1) and two (2) of Section Twenty two (22) in Township Seven (7) South Range One (1) West. Mt. Diablo Base and Meridian in the District of lands subject to sale at San Francisco, Containing 19 44/100 acres according to the Survey and Maps of the Government of the United States (Land office property)

(Corporate Seal)

(Signed) San Jose Savings Bank (Seal)
By Hiram Mabury President (Seal)

Acknowd (as President) Oct. 6. 1879.
Before James M. Braly N. P.

Recorded Oct. 6. 1879
Liber 51 of Deeds page 617.

Hannibal Pullan
To
The Bank of Santa
Clara County. (a Corporation)

Mortgage

Dated Oct. 6th 1879

To secure payment of $3000 00/100
Mortgage (property under search
and other property.)

Recorded Oct. 6th 1879
Liber 35 of Mortgages p. 448

Satisfied in full on margin of record
Nov. 24th 1880 by The Bank of Santa
Clara County. By H. M. Leonard Vice
Pres. and duly attested by the County
Recorder.

H. Pullian

To

H H Warburton

Deed

Dated April 5. 1882

Cons. $5.-

Grant bargain sell and convey unto the said party of the second part and to his heirs and assigns forever all that tract of land situated in Santa Clara County, State of California, and particularly described as beginning at a stake N. 1½° W. distant 52 links from the N. E corner of land of M. S Williams from which a white oak marked 2. R. 3. corner of the Quito Rancho bears N. 11° W. distant 11.19 chs thence along said Ranch line S 11° E. 52 links to the aforesaid N. E. corner of land of said Williams. thence along a fence W. 87° E. 8.80 chs to a stake at the S W. corner of land of Hargis and on the North boundary of Sec. 22 Township 7. South Range 1 West Mt. D. base and Meridian, and thence along said Section line West 8.89 chs to the place of beginning

Containing $\frac{225}{1000}$ of an acre as surveyed Oct. 19, 1881 by John Coombe Surveyor

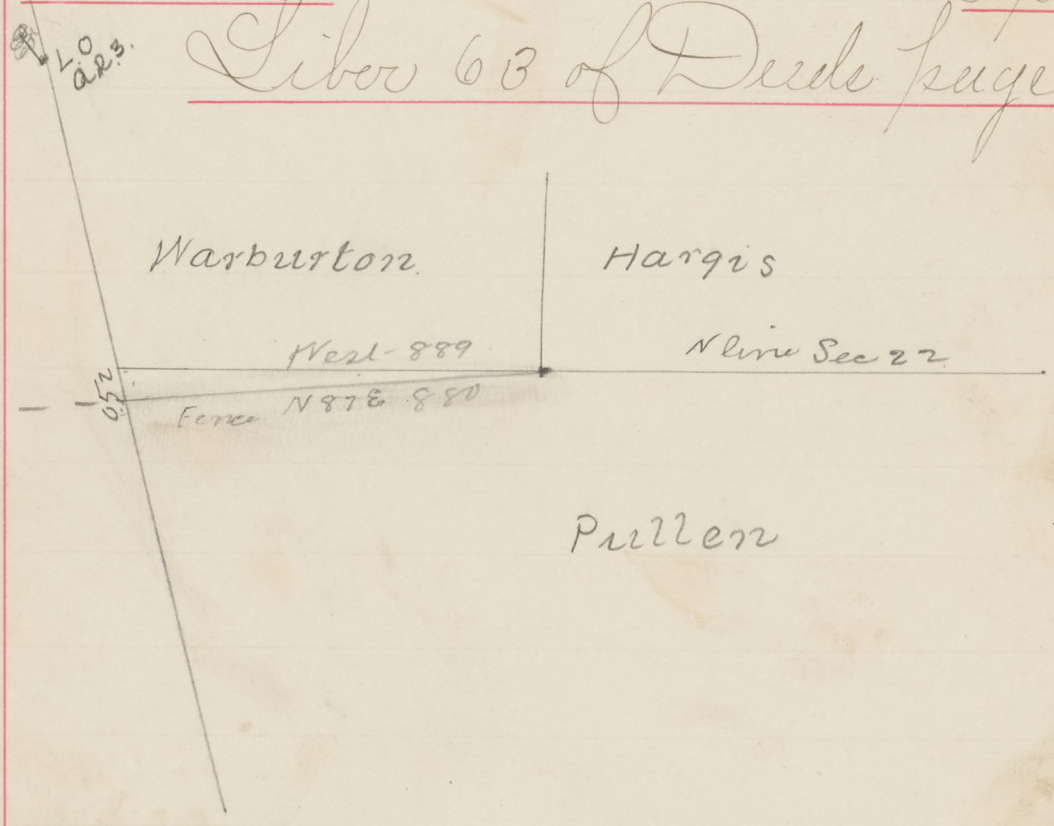
(Signed) H. Pullen (Seal)

Ackgd April 10. 1882

Before H. A. Johnston N. P.

Recorded April 11. 1882

Liber 63 of Deeds page 76



Taxes

State and County

1876.77 to 1886.87 Paid.

No Judgment Liens

San Jose March 4. 1887. 9 a.m.
Edwards & Pitman
Searchers of Records.

Taxes
87 - lien upon
Prop

Continuation

— of —

The Foregoing Abstract.

State of California

To

Luke Robinson

Patent

Dated April 19. 1887.

Grants to the said Luke Robinson and to his heirs forever Lot No. 3 in Section 16 in Township 7 South Range 1 West Mt. Diablo Meridian - Containing 2.29 acres

(Sgd) Washington Bartlett

(Seals affixed) Governor of State

Attest. William C. Hendricks

Secretary of State

Countersigned. Thos Reichert

Register of State Land Office.

Recorded April 23, 1887

Libr D of Patents p. 154

N. A. Warburton

To

Francis Smith and
Peter Dean

Deed

Dated May 21-1887

Cons $349.42 10/100

Does grant bargain sell convey and confirm unto said parties and to their heirs and assigns forever all those lots of land situate in County of Santa Clara described as follows Commencing at a stake marked P.2 at the South East corner of Andrew Bollingers land and running thence North Easterly and along the fence dividing the lands of said N. A. Warburton and those of Goodenough and also formerly owned by C. N. Lapham to the South West corner of the North East 1/4 of Section 15 thence N 40 chs and along the West line of Section 15 T. 7. S. R. 1 W. M. D. M to the center

S. W.

85

of the Stephens Creek road so called thence Westerly and along the center of the said Stephens Creek Road 60 $\frac{14}{100}$ chs to the North East corner of said Bollingers land thence South and along the East line of said Bollingers land 40 chs 7 lks to the point of beginning and containing 240 $\frac{96}{100}$ acres of land or thereabouts and being the same land purchased by said N. N. Warburton by deed dated Dec 10th 1869 from D. O. Argnello et als & recorded in Book 16 of Deeds at page 335 Records of Santa Clara County And also lot No 3 of Section 16 & of Lots numbered 1 & 2 of Section 15 T. 7 S. R. 1 W. M.D.M. and also that other piece purchased by said Warburton from N Pullen by deed dated April 5th 1882 and recorded in Book 63 of Deeds page 76 Records of Santa Clara County

(Sig) N. N. Warburton (Seal)

Ackgd May 21st 1887

Before Chas E. Ivers N. P.

Recorded May 21. 1887 Liber 90 of Deeds p 530

Peter Deane and
Francis Smith
To
N. H. Warburton

~~24096~~
24096
~~6~~ 60
30096
17060
13020

Mortgage

Dated May 21-1887

To secure $17471 00 due on or before 5 years with interest at 6% payable annually or to compound.
Mortgage (same as in 90 of Deeds page 330 Warburton to Deane and Smith)

(Sig) Francis Smith (Seal)
Peter Deane (Seal)
by Francis Smith
Attorney in fact

Ackgd May 21-1887
by Francis Smith on his own behalf and also as Attorney in fact of Peter Deane
Before Chas E. Hovs N. P.

87

Recorded May 21-1887

Liber 68 of Mtgs fol 582

Satisfied in full on the margin of the record Jany 16, 1891 by H H Warburton ~~[illegible]~~ attested by the County Recorder

J.D.B.

Peter Dean

To

Francis Smith

Power of Attorney

Dated May 7th 1887

Do make constitute and appoint Francis Smith my true and lawful Attorney for me and in my name place and stead to sign seal execute and deliver all deeds Mortgages notes or agreements with reference to or in any manner connected with the purchase or sale of any lands situate in Santa Clara County in which I am in any manner interested particularly with reference to tract of land in said County under contract from one Warburton the transaction in regard to which is now about to be closed.

Giving and granting full power and authority to do and perform all and every act and thing

whatsoever requisite and necessary to be done in and about the premises as fully as I might do if personally present. Ratifying and confirming all that said Attorney shall lawfully do or cause to be done by virtue of these presents

(Sig) Peter Dean (Seal)

Ackgd May 9-1887

Before Alts. V. Sawyer N.P.

San Francisco

Recorded May 21-1887

Liber D of Powers pp 172

N. A. Warburton

To

The United States
of America

Deed

Dated Oct 4-1887

For purpose of obtaining a patent from the United States of America as consideration therefor do hereby remise release and set over to the United States of America all of Lots 1 and 2 of section 15 in Township 7 South Range 1 West M.D.M. containing $17\frac{66}{100}$ acres

The intent of this indenture is to reconvey to the United States the title to the above lands obtained under location of Chippewa Half Breed Scrip Number 166 "C"

(Sig) N. A. Warburton M.D.

Ackgd Oct 4 1887

Before G. C. Jenkins N.P.

Recorded Oct 7-1887

Liber N of Miscl pp 558

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N. N. Warburton

To

The United States
of America

Deed

Dated Oct 11-1887

For purpose of obtaining a patent from the United States of America under provisions of the Act of Congress approved June 8-1872 (Statutes Volume 17 page 340) as consideration therefor do remise release and set over to the United States of America all that tract of land situate in County of Santa Clara described as follows Lots 1 and 2 of Section 15 in Township 7 South Range 1 West M.D.M. Containing 60 acres of land

(sig) N. N. Warburton (Seal)

Ackgd Oct 12-1887

Before G. C. Jenkins N.P.

Recorded Oct 12-1887

Liber 98 of Deeds pg 73

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Receiver of the United States Land Office at San Francisco

To

Henry H. Warburton

Receivers Receipt

Dated Oct 19-1887

Cons $150

No 13444

Received from Henry H. Warburton $150 in full for the lots 1 and 2 of Section No 15 in Township No 7 South of Range No 1 W M.D.M. containing 60 acres at $2.50 per acre

(Sig) J. W. Leigh Receiver

Endorsed: Duplicate

Act June 8-1872 Allowed by letter Sept 22. 1887 "C"

"In consideration of $1 to me in hand paid by Francis Smith and Peter Dean I hereby assign to them the written certificate of purchase

all the rights thereunder including the right to receive the United States patent for said land when issued

Santa Clara Feby 18-1888

Subject to a mortgage now held by and in favor of N. A. Warburton"

(Sig) N. A. Warburton (Seal)

Ackgd Feby 21st 1888

Before G. C. Junkins N.P.

Recorded Feby 25th 1888

Liber O of Miscl Pg 292

N. N. Warburton

To

Francis Smith and
Peter Dean

Deed

Dated Feby 18-1888

Cons $1

Does remise release and forever quit claim unto said parties and to their heirs and assigns forever All those lots of land situate in County of Santa Clara described as follows Lots 1 and 2 of Section Number 15 in Township 7 South of Range 1 W. M. D. M. containing 60 acres of land Also the certificate of purchase No 13444 dated Oct 19-1887 and issued from the United States land office at San Francisco in the State of California to said First party for said Lots above named together with the right to receive the patent of the United States when issued in pursuance of said

97

Certificate.

Subject to a mortgage now held by and in favor of N. N. Warburton

(sig) N. N. Warburton (Seal)

Ackgd Feby 21-1888

Before G C Jenkins N.P.

Recorded Feby 25-1888

Liber 104 of Deeds pp 257

Taxes

State and County

1887. 88 Paid
1888. 89 Have a lien.

No Judgment Liens

San Jose August 22. 1888. 9 a.m.
Edwards & Pitman
Searchers of Records.

San Jose Sept 17th 1888.

From the foregoing abstract I hereby certify that in my opinion Peter Dean and Francis Smith have a good and valid title to all that tract of land described in the deed from H H Warburton to them found at page 83 of this abstract subject to the mortgage from them to said Warburton dated May 21st 1887 and found at page 85 of this abstract

J. H. Laine
Atty at Law.

Continuation
of
The Foregoing Abstract.

As to

The same property.

The United States of America

To

Henry H.Warburton

PATENT.

Dated Sept.12th,1888

Do give and grant unto the said Henry H.Warburton and to his heirs, Lots numbered 1 and 2 of Section 15 in Township 7 South of Range 1 West of Mount Diablo Meridian in California.

Containing 60 acres according to the Official Plat of the Survey of the said Lands returned to the General Land Office by the Surveyor General.

(S E A L of General Land Office) affixed).

(Signed)

By the President,Grover Cleveland

By M.McKean,Secretary.

Recorded Vol.16,page 267-

Rob't W.Rose,Recorder of the General Land Office.

Recorded Nov.27th,1888

Liber D.of Patents,page 232

EDWARDS & PITMAN.
SEARCHERS OF RECORDS,
SAN JOSE, CAL.

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Peter Dean and

Francis Smith

To

James Simpson

D E E D.

Dated August 21st,1890

Cons:$10.oo

Do grant,bargain,sell,convey and confirm unto the second party and to his heirs and assigns forever,the undivided one third part of all those parcels of land situate in the County of Santa Clara and described as follows:

Commencing at a stake marked P.2 at the South East corner of Andrew Bollinger's land and running thence North Easterly and along the fence dividing the lands of H.H.Warburton and those of Goodenough and also those formerly owned by C.H.Lapham to the South West corner of the North East 1/4 of Section 15: thence North 40 chains and along the West line of Section 15 Township 7 South Range 1 West Mt.Diablo Meridian to the centre of the Stephens Creek Road so called: thence Westerly and along the centre of the said Stephens Creek Road 60.14 chains to the North East corner of said Bollinger's land: thence South and along the East line of said Bollinger's land 40 chains 7 links to the point of beginning.

Containing 240.96 acres of land or thereabouts and being the same land purchased by said Peter Dean and Francis Smith by deed dat=

EDWARDS & PITMAN.
SEARCHERS OF RECORDS,
SAN JOSE, CAL.

ed May 21st 1887 from H.H.Warburton and recorded in Book 90 of Deeds at page 550 Records of Santa Clara County., And also Lot No.3 of Section 16 and Lots numbered 1 and 2 of Section 15 Township 7 South Range 1 West Mount Diablo Meridian, and also that other piece purchased by said Warburton from H.Pullen by deed dated April 5th,1882 & recorded in Book 63 of Deeds,at page 76 Records of Santa Clara County, and being the same property conveyed to the 1st parties by H.H. Warburton by deed dated May 21st 1887 and recorded in Liber 90 of Deeds,page 550 Records of Santa Clara County,State of California.

(and other property)

The intention being to vest and leave the title to one third of each of said parcels in each of said persons,Peter Dean,Francis Smith and James Simpson. The fact being that the said parties last named each paid one third of the cost of said real estate and by agreement each was and is to hold an equal undivided one third interest in all said real estate, Subject to note and mortgage amounting at this date to $17471.05

(Signed) Peter Dean (Seal)

Francis Smith (Seal)

Ackg'd Sept.18th,1890

By Peter Dean and Francis Smith,

Before James L.King,N.P.in and for the City and County of San Francisco.

Recorded Sept.30th,1890

Liber 129 of Deeds,page 381

EDWARDS & PITMAN
SEARCHERS OF RECORDS,
SAN JOSE, CAL.

104

H.H.Warburton

To

Francis Smith

and Peter Dean

D E E D.

Dated October 24-,1890

Cons:$34942.1o

Does grant,bargain and sell,convey and confirm unto the second parties and to their heirs and assigns forever,all those parcels of land situate in the County of Santa Clara and described as follow

Commencing at a stake marked P 2 at the South Easterly corner of Andrew Bollinger's land running thence South 89°57' East 51.61 chains: thence Easterly 8.80 chains to a stake: thence North 0°18' West 40 chains to the centre line of Stevens Creek Road: thence along said centre line Westerly 60.14 chains to the North Easterly corner of Andrew Bollinger's land: thence South 0°1' East 40.07 chains to the point of commencement,including the land described in the deed from Hannibal Pullan to H.H.Warburton dated April 5th,1882 and recorded April 11th,1882 in Liber 63 of Deeds,page 76 of Santa Clara County Records and also the land described in a deed from Soledad O de Arguello and Jose Arguello to said H.H.Warburton dated January 20th,1870 recorded Feb'y 14th,1870 in Liber 16 of Deeds at page 494 Santa Clara County Records and also Lots No.3 of Section 16 and Lots Nos.1 & 2 of Section 15 in Township 7 South Range 1 West Mt.Diablo Meridian.

105

EDWARDS & PITMAN.
SEARCHERS OF RECORDS,
SAN JOSE, CAL.

This deed is made to correct that certain deed made by the 1st party to the second parties herein dated May 21st,1887 and recorded May 21st,1887 in Liber 90 of Deeds,at page 550 of the Santa Clara County Records.

(Signed) H.H.Warburton (Seal)

Ackg'd Oct.24th,1890

By H.H.Warburton

Before A.V.Fatjo,N.P.

Recorded October 24,1890

Liber 131 of Deeds,page 62

EDWARDS & PITMAN.
SEARCHERS OF RECORDS.
SAN JOSE, CAL.

Francis Smith and

James Simpson

To

Peter Dean,

DEED.

Dated Oct.27th,1890

Cons:$10.oo

Do grant,bargain and sell,convey and confirm unto the second party and to his heirs and assigns forever,all that parcel of land situate in the County of Santa Clara and described as follows:

Commencing at a stake marked P 2 at the South East corner of Andrew Bollinger's land and running thence Easterly along a line of fence 6.54 chains to the centre of the Saratoga Avenue: thence North Easterly along the centre of said Saratoga Avenue 48.53 chains to its intersection with the centre of the Stevens Creek Road: thence Westerly along the centre of said Stevens Creek road 33.63 chains to the North East corner of said Andrew Bollinger's land and thence South along the East line of said Bollinger's lands 40 chains and 7 links to the point of beginning.

Containing 80.56 acrss and being all of that portion of the tract described in deed to Francis Smith and Peter Dean from H.H. Warburton dated October 24th,1890 and recorded in Volume 131 ofDeeds at page 62 Records of Santa Clara County,lying West of the said centre line of Saratoga Avenue.

EDWARDS & PITMAN.
SEARCHERS OF RECORDS.
SAN JOSE, CAL.

..

This conveyance being made subject to a certain note for $17471.05 and interest dated May 21st,1887 and mortgage of same date to secure said note in favor of H.H.Warburton as mortgagee and against Peter Dean and Francis Smith as mortgagors, And it is agreed by and between said Dean and Smith that as between themselves said Dean is responsible for one third of the indebtedness secured by said Mortgage and that said Smith is responsible for the remaining two thirds of said indebtedness.

(Signed) Jas.Simpson (Seal)

Francis Smith (Seal)

Ackg'd October 27,1890

By Francis Smith and James Simpson

Before Otis W.Sawyer,N.P.in & for the City & County of San Francisco.

Recorded October 28th,1890

Liber 131 of Deeds,page 100

EDWARDS & PITMAN
SEARCHERS OF RECORDS,
SAN JOSE, CAL.

James Simpson and

Peter Dean

—— To ——

Francis Smith

D E E D.

Dated October 27,1890

Cons:$10.oo

Do grant,bargain and sell,convey and confirm unto the second party and to his heirs and assigns forever,all that parcel of land situate in the County of Santa Clara and described as follows:

Commencing at the intersection of the centre line of Saratoga Avenue and the Southerly boundary of the tract of land described in deed from H.H.Warburton to Francis Smith and Peter Dean dated Oct, 24th,1890 and recorded on the same day in Volume 131 of Deeds,page 62 of Santa Clara County Records,running thence Easterly along the Southern boundary of said tract to the South Easterly corner thereof thence North 0°18' West 40 chains to the centre line of the Stevens Creek Road: thence Westerly along the Northern boundary of said tract to the centre line of Saratoga Avenue: thence South Westerly 48.53 chains along said centre line to the point of commencement.

Being all of said tract lying East of said centre line of Saratoga Avenue.

This conveyance being made subject to a certain note for $17471.05 and interest dated May 21st,1887 and mortgage of same date

EDWARDS & PITMAN
SEARCHERS OF RECORDS,
SAN JOSE, CAL.

to secure said note, in favor of H.H.Warburton as mortgagee and against Peter Dean and Francis Smith as mortgagors: and it is agreed by and between said Dean and Smith that as between themselves, said Dean is responsible for one third of the indebtedness secured by said mortgage and that said Smith is responsible for the remaining two thirds of said indebtedness.

(Signed) Jas.Simpson (Seal)

Peter Dean (Seal)

Ackg'd Oct.27th,1890

By James Simpson

And Peter Dean.

Before Otis V.Sawyer N.P.in and for the City and County of Sann Francisco.

Recorded October 30th,1890

Liber 130 of Deeds, page 384

EDWARDS & PITMAN.
SEARCHERS OF RECORDS,
SAN JOSE, CAL.

CONTINUED TAXES.

STATE and COUNTY.

240.96 acres being part of Quito Rancho, and Lots 1 & 2 of Section 15 Lot 3 of Section 16 20.225 acres of Section 22 Township 7 7 South Range 1 West.

Fiscal years

1888-89 Paid

1889-90 Paid

1890-91 Now due and payable.

NO JUDGMENT NLIENS.

San Jose, California
November Eighth, 1890
at Nine o'clock A.M.

Edwards & Pitman
SEARCHERS of RECORDS.

EDWARDS & PITMAN.
SEARCHERS OF RECORDS,
SAN JOSE, CAL.

Continuation of The Foregoing Abstract.

AS TO

THE INTEREST OF

FRANCIS SMITH.

Francis Smith and

Rebecca Smith, his wife,

TO

Frank W. Blackmar,

DEED

Dated June 27, 1891.

Cons $10.00

Grant, bargain, sell, convey and confirm unto the second party, and to his heirs and assigns forever, all that certain parcel of land in the County of Santa Clara, described as follows, to wit:

Beginning at a stake wirh 1/2" iron center standing at the point of intersection of the center line of the Stevens Creek Road, with the center line of Saratoga Ave, from which stake a planted pine 12 inches in dia bears S. 66 1/2° W. 40 lks and a bule gum 2 1/2 ft in dia bears S. 57° 25' E. 86 lks and running thence along said center line of said Stevens Creek Road, N. 89° 41' E. 6.06 chs to an iron bar, 1 1/2" square driven flush into the ground and from which bar a 2" X 4" witness post in South line of said road, bears S. 0° 19' E. 45 lks; thence leaving said road and running S. 0° 19' E. 6.30 chs to a 2" X 3" stake marked S.F.1; and thence parallel to the first course, S. 89° 41' W. 6.50 chs to a 2" X 3" stake marked S.F.; thence N. 56° 3' W. 3.29 chs to an iron bar 1 1/2" square driven flush into the ground and in the center line of Saratoga Ave, from which bar a 2 " X 3" witness post in East line of said Ave, and marked W.P. bears S. 56° 3' E. 50 ft; and thence along said center line of said Saratoga Ave, N. 33° 57' E. 5.62 chs to the point of beginning. Containing 5 acres, and being a part of the original Warburton

SAN JOSE ABSTRACT TITLE & TRUST CO
SAN JOSE, CAL.

Tract, in the Quito Rancho, and in Sections 15 & 16, Township 7, South Range 1 West, M.D.M.; the tract hereby conveyed being a part o of the said Quito Rancho, and a part of said Section 16.

Acknd. June 27,1891.

Before C. M. Lorigan, N.P.

Recorded June 27,1891.

Book 139 of Deeds, Page 140.

N O T E: Grantee's interest not searched.

T A X E S

S T A T E A N D C O U N T Y

Fiscal years,

1890-91)	
)	
___ to ___ :	PAID
)	
1892-93)	
1893-94	NOW A LIEN

N O J U D G M E N T L I E N S

The foregoing CONTINUATION consisting of pages 112 to 115, inclusive made at SAN JOSE, CAL. SEPTEMBER 11th.1893 at 9 o'clock A.M.

SAN JOSE ABSTRACT, TITLE & TRUST COMPANY.

By J C Edwards Manager

Continuation
of
The Foregoing Abstract.

AS TO

THE INTEREST OF

FRANCIS SMITH.

Francis Smith

— TO —

Home Mutual Insurance Company,

M O R T G A G E

Dated Sept.14,1893,

To secure the payment of $10,000.00 one year after date and additional sums loaned by mortgagee to mortgagor, not exceeding $5000.00

Mortgages premises in the County of Santa Clara,

Commencing at the intersection of the center line of Saratoga Ave and the Southerly boundary of this tract of land described in deed from H.H.Warburton to Francis Smith, and Peter Dean, dated Oct 24,1890, and running thence Easterly along the Southern boundary of said tract to the South Easterly corner thereof; thence N 0° 18' W 40 chs to the center of the Stevens Creek Road; thence Westerly along the Northern boundary of said tract, to the center line of Saratoga Ave; thence South Westerly 48.53 chs along said center line to the point of commencement, being all of said tract lying East of said center line of Saratoga Ave excepting therefrom 5 acres of land sold to Frank W.Blakemore by deed dated June 27,1891, and recorded in Book 139 of Deeds, Page 140, Records of Santa Clara County.

Ackn d. Sept.14,1893,

Before E. M. Goss, N.P.

Recorded Sept.14,1893,

Book 88 of Mortgages, Page 550.

See foreclosure

SAN JOSE ABSTRACT TITLE AND TRUST CO.
SAN JOSE, CAL.

117

T A X E S

S T A T E and C O U N T Y

Fiscal years,

1893-94	1st. Installment, PAID
	2nd. " DUE & PAYABLE.
1894-95	NOW A LIEN

N O J U D G M E N T L I E N S

The foregoing CONTINUATION consisting of pages 116 to 118, inclusive, made at SAN JOSE, CAL. MARCH 23rd. 1894 at 9 o'clock A.M.

SAN JOSE ABSTRACT, TITLE & TRUST COMPANY.

By J. C. Edwards

Manager.

Continuation
of
The Foregoing Abstract.

AS TO

The interest of Peter Dean.

~~Note:~~

~~A Map of the Subdivision of the Dean Tract of record in Book F of maps page 8.~~

Nothing Further.

TAXES.

STATE AND COUNTY.

Fiscal years

1890 - 91)
)
—— To ——: PAID.
)
1894 - 95)

NO JUDGMENT LIENS.

The foregoing Continuation consisting of pages 119 and 120, made at SAN JOSE, CAL., FEBRUARY Nineteenth 1895, at Nine o'clock A.M.

SAN JOSE ABSTRACT, TITLE AND TRUST COMPANY.

By J C Edwards Manager.

Continuation
of
The Foregoing Abstract.

AS TO

THE INTEREST OF

FRANCIS SMITH.

(Nothing further)

T A X E S

S T A T E and C O U N T Y

Fiscal years,

1893-94)	
)	
___to ___:	PAID
)	
1895-96)	
1896-97	NOW A LIEN

N O J U D G M E N T L I E N S

The foregoing CONTINUATION consisting of pages 121 and 122, made at SAN JOSE, CALIFORNIA, JUNE First, 1896 at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY

By J C Edwards

Manager.

Continuation of The Foregoing Abstract.

AS TO

THE INTEREST OF

PETER DEAN.

Subsequent to February 19, 1895

N O T E:- Map entitled "Map of the Dean Tract" surveyed Jan. 11, 1892, by H. Dittrich, Surveyor and C.E. is not endorsed, filed or recorded, appears of record in Book F of Maps, Page 8

Peter Dean, (a widower)

TO

Walter L. Sanor,

DEED

Dated Mch. 28, 1895

Cons. $2850.00

Grant, bargain, sell, convey and confirm unto the second party, and to his heirs and assigns forever, all that parcel of land situate in the County of Santa Clara, described as follows, to wit:

Beginning at a point in the center line of Saratoga Avenue, at a point distant S 34° 15' W 14.29 chs from the point of intersection of the center line of said Saratoga Avenue with the center of Stevens Creek Road; and running thence West 25.67 chs to a stake in the East line of land now or formerly of Bollinger; thence South and along East line of Bollinger's land, 4.12 chs to a stake; thence East and parallel with first course, 22.68 chs to a point in the center of Saratoga Avenue, and thence North 34° 15' E 4.97 chs to place of beginning. Containing 10 acres of land, and being known as Lot 3 of the Dean Tract , a portion of the Quito Rancho, as the same appears upon the Map of said Dean Tract recorded in Book F of Maps, Page 8, Records of Santa Clara County, Cal.

Lot 3

Acknd. Mch. 28, 1895

Before Geo. T. Knox, N.P.

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

125

Recorded Apl. 1, 1895

Liber 181 of Deeds, Page 88

T A X E S

S T A T E and C O U N T Y

Fiscal years,

1895-96	PAID
1896-97	1st. installment, PAID
	2nd. " DUE & PAYABLE

N O J U D G M E N T L I E N S

The foregoing CONTINUATION consisting of pages 123 to 127, inclusive, made at SAN JOSE, CALIFORNIA, JANUARY Thirtieth, 1897 at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY

By J C Edwards

Manager

Continuation of The Foregoing Abstract.

AS TO

The Interest of Francis Smith.

N O T E:

Map entitled "Map of the Subdivision of the Francis Smith Tract, being part of the Quito Rancho, and also Lot 3 Section 16 and Lots 1 and 2 Sec. 15, T.7 S. R. 1 W. M. D. M."

Recorded June 20,1896.

Book I Maps Page 31.

Francis Smith and

Rebecca Smith, his wife,

To

F. W. Blackmar.

DEED

Dated June 20,1896.

Cons. $10.

Grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all that certain parcel of land in the County of Santa Clara, bounded and described as follows, to wit:

Commencing at an iron bolt 1 1/2 in. square in the center of the Saratoga Avenue, from which bolt a stake with 1/2 inch iron center standing at the point of intersection of the center line of the Stevens Creek road, with the center line of Saratoga Avenue bears N 33° 58' E 5.62 chs and running thence along the center line of Saratoga Avenue, S 33° 58' W 2.25 chs to a piece of gas pipe one inch diameter driven to the surface of the ground and from which a 4" x 4" witness post bears N 89° 41' E 0.91 chs; thence N 89° 41' E 3.99 chs to a 2" x 3" stake marked S.F.; thence N 56° 02' W 3.29 1/2 chs to the place of beginning. Containing 37/100 acres of land and being a part of the original Warburton Tract in the Quito Rancho.

Acknd. June 20,1896

Before W. G. Hawley N.P.

Recorded June 23,1896

Book 189 of Deeds Page 358.

Francis Smith and

Rebecca Smith, his wife,

To

Charles Koenig and

Elizabeth Koenig, his wife,

DEED

Dated June 20,1896

Cons. $10.

Grant, bargain, sell, convey and confirm unto the said parties of the second part and to their heirs and assigns for ever, all that certain parcel of land in the County of Santa Clara, described as follows, to wit:

Commencing at a peice of gas pipe driven flush with the ground and in the center line of Saratoga Avenue and from which piece of gas pipe a stake with iron center standing at the point of intersection of the center line of the Stevens Creek Road with the center line of Saratoga Avenue, bears N 33° 58' E 7.87 chs ; thence running along the center line of Saratoga Avenue S 33° 58' W 9.07 1/2 chs to a peice of gas pipe driven flush with the ground and from which a 4" x 4" witness post bears N 89° 41' E 91 lks; running thence N 89° 41' E 15.90 chs to a 2" x 3" redwood stake driven one foot below surface and from which a 2" x 3" witness post bears S. 89° 41' W 20 feet; thence N 0° 19' W 7.50 chs to a 2" x 3" redwood stake driven one foot below the surface of ground; thence S 89° 41' W 10.79 chs to the place of beginning. Containing 10 acres of land and being a part of the original

Filed

Warburton Tract in the Quito Rancho and in Section_ 15 & 16, T. 7 S. R. 1 W. M.D.M. Santa Clara County, California, being Lot 14 of the Subdivision of the Francis Smith Tract, according to map of record of same in the office of the County Recorder in Map Book I page 31, Santa Clara County Records.

Acknd. June 20,1896

Before W. G. Hawley N.P.

Recorded June 23,1896

Book 189 of Deeds Page 356.

TAXES.

STATE AND COUNTY.

Fiscal years	
1896 - 97	PAID.
1897 - 98	Now a Lien.

NO JUDGMENT LIENS.

The foregoing CONTINUATION consisting of pages 128 to 134 inclusive, made at SAN JOSE, CALIFORNIA, JUNE TWENTY-FIRST 1897, at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY.

By T. G. Edwards Manager.

Continuation of The Foregoing Abstract.

AS TO

THE INTEREST OF FRANCIS SMITH

Francis Smith and

Rebecca Smith, his wife

to

A. W. Parsons

DEED

Dated June 23, 1897.

Cons. $10.00

Grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, all that certain parcel of land in the County of Santa Clara, described as follows, to wit:

Commencing at a piece of gas pipe driven flush with the ground in the center line of Saratoga Avenue and from which place of commencement a stake with iron center standing at the point of intersection of the center line of the Stevens Creek Road with the center line of said Saratoga Avenue bears N. 33° 58' E. 16.94 1/2 chs and running thence N. 89° 41' E. 15.90 chs to a stake, thence S. 0° 19' E. 2.95 3/4 chs to a point from which a 2" x 3" stake marked "A" bears S. 89° 41' W. 20 feet distant, thence S. 89° 41' W. 17.91 1/2 chs to a point in the center line of Saratoga Avanue, from which point a 2" x 3" stake marked "B" bears N. 89° 41' E. 60.5 feet distant, thence along the center line of Saratoga Avenue N. 33° 58' E. 3.58 chs to the place of beginning, and being the Northerly 5 acres of land of Lot 13 of the subdivision of the Francis Smith Tract as per map ofsaid subdivision recorded in Book I of Maps, page 31, Records of the office of the County Recorder of said Santa Clara County, Cal.

Acknd. June 23,1897

Before W. G. Hawley, N.P.

Recorded June 12,1897.

Book 200 of Deeds, page 343

The premises above described are released from the lien ofthe mortgage of the Home Mutual Insurance Company of record in Liber 88 of Mortgages, page 550, by release executed by Home Mutual Insurance Company

By F. W. Logan, Vice President

Stephen D. Ives, Secy.

Recorded July 12,1897

Book Q of Releases of Mortgages,page 69

TAXES

STATE AND COUNTY

Fiscal years

1897-98 Paid

1898-99 Now a Lien

NO JUDGMENT LIENS

The foregoing CONTINUATION consisting of pages 135 to 138 inclusive, made at SAN JOSE CALIFORNIA JULY TWENTY NINTH 1898 at Nine o'clock A. M.

SAN JOSE ABSTRACT COMPANY

By J M Pitman Acting Manager.

Continuation
of
The Foregoing Abstract.

AS TO

The interest of Francis Smith.

Francis Smith

— to —

Home Mutual Insurance Company

MORTGAGE

Dated July 30, 1898.

U. S. Int. Rev. Stamp $5.50 cancelled.

To secure the payment of $11650.oo one year after date, Mortgages premises, beginning at the intersection of the center line of Saratoga Avenue and the Southerly boundary of the tract of land described in deed from H. H. Warburton to Francis Smith and Peter Dean, dated October 24, 1890, and recorded on the same day in Volume 131 of Deeds, page 62, running thence Easterly along the Southerly boundary of said tract to the Southeasterly corner thereof, thence Northerly 0°18' W 40 chs to the center line of the Stevens Creek road, thence Westerly along the Northerly boundary of said tract to the center line of Saratoga Avenue, thence Southwesterly 48.53 chs along said center line to the point of beginning, being all of said tract lying East of said center line of said Saratoga Avenue.

Excepting therefrom five acres sold to W. F. Blackmar by deed recorded in Book 139 of Deeds, page 140, Records of Santa Clara County.

Also excepting 37/100 acres sold to Frank W. Blackmar by deed recorded in Book 189 of Deeds, page 358, also excepting 10 acres sold Charles Koenig et ux by deed recorded in Book 189 of Deeds, page 365, also excepting 5 acres sold to W. A. Parsons by deed recorded in Book 200 of Deeds , page 343.

Acknd. July 30, 1898.

Before Wesley Pieper N.P.

*Covers 4 acres less deed

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

Recorded August 1, 1898.

Book 136 Mortgages, page 276.

Cancelled by Release

Dated January 23, 1900

Executed by Home Mutual Insurance Company,

Wm. J. Dutton, President,

Franklin Bangs,

Assistant Secretary.

(corporate seal)

Recorded January 24, 1900.

Book Releases of Mortgages, page

Home Mutual Insurance Company
By F. W. Lougee Vice President
Stephen D. Ives Secretary.
to
Francis Smith

RELEASE OF MORTGAGE

Dated August 4, 1898.

Certifies that the Home Mutual Insurance does release the lien of a certain Mortgage made and delivered by Francis Smith to said Company dated September 14, 1893, and recorded in Book 88 of Mortgages, page 550 et seq, and said Company hereby acknowledge that the debt thereby secured has been paid in full.

x copy

Acknd. July 4, 1898.

Before James L. King N.P.
San Francisco.

Recorded August 5, 1898.

Book R Releases Of Mortgages, page 156.

TAXES

STATE AND COUNTY

Fiscale Years

1898-99 Paid.

1899-1900 First Instalment Paid.

Second Instalment Now a Lien.

NO JUDGMEN T LIENS

The foregoing CONTINUATION consisting of pages 139 to 142 inclusive, made at SAN JOSE CALIFORNIA JANUARY NINTEENTH 1900 at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY

By J C Edwards

Manager.

I hereby agree that F. H. Holmes has an equal interest with me in the foregoing Abstract of Title pages 1 to 142 inclusive and that said abstract shall be left in the custody of Messrs Ensign & Johnson of San Jose Cal for our joint use and benefit

Dated San Jose Cal Jan 24th 1900

Francis Smith

Continuation of The Foregoing Abstract.

AS TO

The interest of F. H. Holmes.

Francis Smith and
Rebecca Smith, his wife
—— to ——
F. H. Holmes

U. S. Int. Rev. Stamp
$17.oo Cancelled.

DEED

Dated January 23, 1900.

Cons. $10.oo

Do grant, bargain , sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, all those certain parcels of land in the County of Santa Clara, bounded and described as follows, to wit:

Lots 1, 2, 3, 4, 5, 6, 7, & 8 of the Francis Smith Tract according to a map of said Tract entitled "Map of the Subdivision of the Francis Smith Tract", being part of the Quito Rancho, also Lot 3, Section 16 and Lots 1 & 2 Section 15, Township 7 South Range 1 West, M.D.M. Santa Clara County , California, as surveyed by H. B. Fisher, Surveyor, recorded in the office of the County Recorder of Santa Clara County, California in Book I of Maps, page 31, Records of said County and State, said property hereby conveyed containing 80.69 acres, being the Easterly 80.69 acres of that tract of land described in that certain deed executed by H. H. Warburton to Francis Smith and Peter Dean, dated October 24, 1890 and recorded in the office of the County Recorder of said Santa Clara County, State of California, in Book 131 of Deeds, page 62, Records of said County and State.

Acknd. January 24, 1900.

Before C. H. Johnson N.P.

Recorded January 24, 1900.

Book 275 Deeds, page 516

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

TAXES

STATE AND COUNTY

Fiscal Years

1899-1900 On Land Paid.

On Mortgage Interest First Instalment Paid.

Second Instalment a Lien.

NO JUDGMENT LIENS

The foregoing Continuation consisting of pages 143 to 146 inclusive, made at SAN JOSE CALIFORNIA FEBRUARY NINETH 1900 at N ine o'clock A.M.

SAN JOSE ABSTRACT COMPANY

By J C Edwards

Manager

Continuation
— of —
The Foregoing Abstract.

— A S T O —

The interest of Francis Smith.

Also as to property described in deed from Francis Smith to Antone Jacinto hereinafter set forth.

For instruments affecting see page 145 of foregoing Abstract.

Francis Smith and

Rebecca Smith, his wife

— TO —

Antone Jacinto

D E E D

Dated October 17, 1900.

Cons. $10.00

Stamp $2.50 cancelled.

Grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, all that certain parcel of land in the County of Santa Clara bounded and described as follows, to wit:

Commencing at a piece of gas pipe driven flush with the ground standing in the center line of Saratoga Avenue at the North West corner of Lot 12 of the subdivision of the Francis Smith Tract as recorded in Book I of Maps, page 31, Records of Santa Clara County; running thence along the center line of Saratoga Avenue N. 33° 58' E. 3.21 1/2 chains to a point from which a 2" x 3" stake marked "B" bears N. 89° 41' E. 60 1/2 feet distant; thence N. 89° 41' E. 17.91 1/2 chains to a point from which a 2" x 3 " stake marked "A" bears S. 89° 41' W. 20 feet distant; thence S. 0° 19' E. 5.09 1/4 chains to a point from which a stake marked "D" bears S. 89° 41' W. 20 feet distant; thence S. 89° 41' W. 21.39 chains to a point in the center of the Saratoga Avenue from which point a stake marked "C" bears N. 89° 41' E. 60 1/2 feet; thence along the center of Saratoga Avenue N. 33° 58' E. 2.94 1/2 chains to the place of beginning. Containing 10 acres of land and being the Southerly 5 acres of lot 13 and the Northerly 5 acres of Lot 12 of the sub-

SAN JOSE ABSTRACT COMPANY.
SAN JOSE, CAL.

(over.)

division of the Francis Smith Tract as recorded in Book I of Maps, page 31, Records of Santa Clara County, Cal.

Acknd. October 19, 1900.

Before O.C.Pratt, N.P.

San Francisco.

Recorded October 20, 1900.

Book 234 Deeds, Page 260.

Antone Jacinto and

Mary Jacinto, his wife

— TO —

Francis Smith

MORTGAGE

Dated October 18, 1900.

To secure the payment of $1325.00 in 3 years with interest at 8% per annum payable annually or to compound.

Mortgages to the mortgagee all that certain piece or parcel of land situate in the County of Santa Clara, State of California bounded and described as follows, to wit:

(same as in Liber 234 of Deeds, page 260 Francis Smith et ux to Antone Jacinto)

Acknd. October 18, 1900.

Before W.D Garey, N.P.

Recorded October 20, 1900.

Book 159 Mortgages, Page 327.

TAXES

STATE & COUNTY.

Fiscal years

1899-1900 PAID.

1900-1901 Land No Tax.

On Mortgage 1st Install. Paid.

2nd Installment now a Lien.

N O JUDGMENT LIENS.

The foregoing CONTINUATION consisting of pages 147 to 150 inclusive, made at SAN JOSE, CALIFORNIA, DECEMBER TWENTY NINTH, 1900 at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY.

By J C Edwards

Manager.

Continuation of The Foregoing Abstract.

AS TO

All those lots or parcels of land described in deed from Peter Dean to The Peter Dean Company, dated May 25th, 1899 and recorded December 9, 1902 and next hereinafter set forth.

Subsequent to January 30,1897.

Peter Dean

— To —

The Peter Dean Company

(a Corporation)

D E E D.

Dated May 25, 1899.

(Stamp $7.00 cancelled)

Cons. $7000-

Does grant, bargain, and sell, convey and confirm unto party of the second part, and to its successors and assigns forever, all those lots or parcels of land situate in the County of Santa Clara, State of California and described as follows:

Commencing at a point where a stone monument stands at the intersection of the center lines of Stevens Creek Road with the center line of Saratoga Avenue; and running thence Westerly along said center line of the Stevens Creek Road 12.50 chs to an iron pin standing in the center of Stevens Creek Road; thence S 0° 16' W. 11.80 chs to a 4"x4" stake marked K; thence Easterly 4.47 chs to the center line of Saratoga Avenue; distant 14.29 chs from the aforesaid stone monument; thence along the last mentioned line to the point of beginning. Containing ten (10) acres of land and being lot One (1) and the East 2/3 of Lot Two (2) of the Peter Dean Tract of the Quito Rancho, Santa Clara County, California.

Also commencing at a point in the center of Saratoga Avenue distant 19.26 chs South Westerly from a stone monument situated at the intersection of the center line of

Stevens Creek Road and Saratoga Avenue; thence running Westerly 20.88 chs to a stake situated at the South West corner of Lot sold by me to Walter Sanor; thence running Southerly 24.16 chs to a stake marked P. 2 at the South East corner of Andrew Bollinger's land; thence Easterly 6.68 chs to the center line of Saratoga Avenue; thence North Easterly 29.11 chs along the center line of Saratoga Avenue to the point of beginning. Containing 35.53 acres and being Lots 4, 5, 6, 7, and 8 of the Peter Dean Subdivision of the Quito Rancho, Santa Clara County, California.

Acknd. May 25,1899.

Before Geo. T. Knox, N. P.

City and County of San Francisco, Cal.

Recorded December 9,1902.

Liber of Deeds, Page

T A X E S

S T A T E A N D C O U N T Y.

Fiscal Years

1896-1897)
)
— To — : PAID
)
1901-1902)

1902-1903 1st Installment Paid

2nd Installment a Lien.

N O J U D G M E N T L I E N S.

The foregoing CONTINUATION consisting of pages 151 to 154 inclusive, made at SAN JOSE, CALIFORNIA, DECEMBER SIXTEENTH 1902 at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY.

By J. C. Edwards

Manager.

Continuation
— of —
The Foregoing Abstract.

— AS TO —

Lot 4, 5, 6, 7 and 8 of the Peter Dean Tract.

Nothing Further.

TAXES.

STATE AND COUNTY.

Fiscal Years.

1902-1903 1st. Installment Paid.

2nd. Installment Due and Payable.

1903-1904 Now a Lien.

NO JUDGMENT LIENS.

The foregoing CONTINUATION consisting of pages 155 to 156 inclusive, made at SAN JOSE, CALIFORNIA, MARCH TWENTIETH 1903 at Nine o'clock A. M.

SAN JOSE ABSTRACT COMPANY.

By J. M. Pitman

Manager.

Continuation
of
The Foregoing Abstract.

AS TO

The property described in the Deed from Francis Smith et ux to F. H. Holmes, which Deed is dated January 23,1900 and recorded in Liber 225 of Deeds, Page 516 and is set forth on page 145 of foregoing Abstract.

SUBSEQUENT TO FEBRUARY 9,1900.

F. H. Holmes

of the first part,

T. Ellard Beans and

Wm. Knox Beans, as Trustees,

of the second part,

AND

The Bank of San Jose,

of the third part

DEED OF TRUST.

Dated February 12,1900.

To secure to third party the payment of the sum of $8000.

Conveys unto second parties, their successors or assigns, the real property situate in the County of Santa Clara, described as follows, to wit:-

(Same as in Liber 225 of Deeds, Page 516. Smith to Holmes)

Upon trust to be reconveyed to F. H. Holmes in case payment be made of all sums due third party, etc.

Recorded February 14,1900.

Liber O of Deeds of Trust, Page 330.

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

T. Ellard Beans and

Wm. Knox Beans, Trustees,

TO

F. H. Holmes

RE-CONVEYANCE.

Dated December 18,1902.

Recites:- Whereas, the indebtnedness secured to be paid by the Deed of Trust executed by F. H. Holmes to T. Ellard Beans and Wm. Knox Beans, as Trustees, dated February 12,1900 and recorded in the office of the County Recorder of the County of Santa Clara, in Liber O of Trust Deeds, at page 330 and following, has been fully paid.

Now etc., Do grant, remise and reconvey unto F. H. Holmes, -- heirs and assigns without any warranty, all the estate and interest derived to us the said T. Ellard Beans and Wm. Knox Beans by or through said Deed of Trust in the lands situate in the County of Santa Clara and therein described, together with the appurtenances. Special reference being hereby made to said Deed of Trust and the record thereof for a particular description of said lands.

Acknd. December 18,1902.

Before Hiram D. Tuttle, N. P.

Recorded January 9,1903.

Liber 260 of Deeds, Page 413.

T A X E S.

S T A T E A N D C O U N T Y.

Lots 1 to 8 Francis Smith Tract, part Quito Rancho and Lot 3 Section 16 and Lot 1 and 2 Section 15, Township 7 South Range 1 West.

Fiscal Years.

1899-1900)
)
TO : PAID.
)
1903-1904)

1904-1905 Now a Lien.

N O J U D G M E N T L I E N S.

The foregoing CONTINUATION consisting of pages 157 to 160 inclusive, made at SAN JOSE, CALIFORNIA, SEPTEMBER EIGHTH, 1904 at Nine o'clock A. M.

SAN JOSE ABSTRACT COMPANY.

By T. C. Edwards

Manager.

Continuation of the Foregoing Abstract
as to
The Same Property

Frank H. Holmes

— TO —

Security Savings Bank of

San Jose, California, a corporation

MORTGAGE

Dated April 25, 1905

To secure the payment of the sum of Five Thousand Dollars, on April 25, 1906, with interest and additional sums.

Mortgages premises (Same as in Book 225 of Deeds, page 516, Smith to Holmes)

Acknd. April 25, 1905

Before W. A. Parkhurst, N. P.

Recorded April 25, 1905

Book 178 of Mortgages, page 527.

Cancelled on the margin of the record Feb 29th 1908 by Security Savings Bank of San Jose, California
By W. S. Richards, President
Attest: County Recorder

Entered by San Jose Abstract Co.

By F. E. Brockhage SEARCHER.

T A X E S

S T A T E A N D C O U N T Y

Lots 1 to 8 Francis Smith Tract, part Quito Rancho and Lot 3, Section 16 and Lots 1 and 2 Section 15, Township 7 South, Range 1 West.

Fiscal Years	
1904-1905) to) 1906-1907)	Paid
1907-1908	1st Installment Paid
	2nd Installment Due and Payable

N O J U D G M E N T L I E N S

The foregoing CONTINUATION consisting of pages 161 to 163 inclusive made at SAN JOSE, CALIFORNIA, FEBRUARY TWENTY-FIFTH 1908 at Nine o'clock A. M.

SAN JOSE ABSTRACT COMPANY,

By J. C. Edwards

Manager

Continuation of the Foregoing Abstract
as to
The Same Property

F.H.Holmes

TO

Peninsular Railroad

Company, a Corporation

DEED.

Dated October 15,1906.

Cons: $10.

Does grant, bargain, sell, convey and confirm unto the second party, its successors and assigns forever, all that parcel of land situate in the County of Santa Clara,State of California, described as follows:-

Commencing at the point of intersection of the East boundary line of the land of F.Blackmar, said line being also the West boundary line of the land of F.H.Holmes; running thence East along the said South line of the Stevens Creek Road 1323.96 feet to a point; thence at right angles South 30 feet; thence at right angles West along a line 30 feet from, and parallel with, the South line of said Stevens Creek Road, 1323.96 feet to a point in the East boundary line of the land of F.Blackmar, being also the West boundary line of land of F.H.Holmes; thence North at right angles 30 feet to the point of beginning; being a strip of land 30 feet wide across the land of F.H.Holmes, and containing 0.912 acres more or less, and being a part of Lots Nos.1,2,3 and 4 of the Subdivision of the Francis Smith Tract, being also a portion of the Quito Rancho.

Acknd. October 15,1906.

Before J.Roy Phelps, N.P.

Recorded July 21,1908.

Liber 335 of Deeds,Page 221.

NOTE: Grantee's interest not searched.

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

Frank H. Holmes

TO

Security Savings Bank of

San Jose, California, a Corporation

MORTGAGE.

Dated February 28, 1908.

To secure the payment of a promissory note of even date herewith for the sum of Ten Thousand (10,000) Dollars, in one year with interest at the rate and times therein specified; also, as security for the payment of such additional sums not exceeding $20,000.00.

Conveys that certain real property situate in the County of Santa Clara, State of California, described as follows:-

(Same as in Liber 225 of Deeds, Page 516. Smith et ux to Holmes)

Acknd. February 28, 1908.

Before J. E. Fisher, N.P.

Recorded February 29, 1908.

Liber 189 of Mortgages, Page 590.

Open Feb 10-16

T A X E S.

S T A T E A N D C O U N T Y.

Lots 1 to 8 Francis Smith Tract.

Fiscal Years.

1907-1908 Paid.

1908-1909 1st.Installment Paid.

2nd.Installment Due and Payable.

N O J U D G M E N T L I E N S.

The foregoing CONTINUATION consisting of pages 164 to 167 inclusive, made at SAN JOSE,CALIFORNIA,FEBRUARY NINETEENTH 1909 at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY.

By J C Edwards

Manager.

Continuation of the Foregoing Abstract
as to
The Same Property

F.H.Holmes, Hattie A.

of the first part,

San Jose Abstract Company(a corporation)

of the second part,

Security State Bank of San

Jose,California(a corporation)

of the third part

DEED OF TRUST.

Dated May 5,1909.

To secure to third party the payment of the sum of $6000. with interest and also any additional sums loaned by said third party to said first party

Grant, bargain, sell, convey and confirm unto second party, or its successors or assigns, that certain real property in the County of Santa Clara,State of California, described as follows, to wit:

X Lots 1,2,3,4,5,6,7 and 8 of the Francis Smith Tract, according to a map of said Tract entitled "Map of the Subdivision of the Francis Smith Tract" being a part of the Quito Rancho also Lot 3 Section 16 and Lots 1 and 2 Section 15 Township 7 South Range 1 West,M.D.M. Santa Clara County, California, as surveyed by H.B.Fisher,Surveyor recorded in the office of the County Recorder of Santa Clara County,California, in Book I of Maps, page 31.Records of said County and State, said property hereby conveyed containing 80.69 acres and being the Easterly 80.69 acres of that tract of land described in that certain deed executed by H.H.Warburton to Francis Smith and Peter Dean, dated October 24,1890, and recorded in the office of the CountyRecorder of said Santa Clara County, in Book 131of Deeds,page 62.Records of said County.

Excepting 912/1000 acres, a portion of said premises

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

conveyed by F.H.Holmes to Peninsular Railroad Company (a corporation) by deed dated October 15,1906, and recorded in Book 335 of Deeds,Page 221.Records of said County. X

Upon trust to be reconveyed to F.H.Holmes, on payment of all sums due third party, with interest, but in default thereof to be sold after advertisement according to law,&c.

Acknd. May 5,1909.

Before H.P.Kessler, N.P.

Recorded May 5,1909.

Book 23 Trust Deeds,Page 206.

TAXES.

STATE AND COUNTY.

Fiscal Years.

1908-1909 Paid.

1909-1910 1st. Installment Paid.

2nd. Installment Due and Payable.

NO JUDGMENT LIENS.

The foregoing CONTINUATION consisting of pages 168 to 171 inclusive, made at SAN JOSE, CALIFORNIA, FEBRUARY TENTH 1910 at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY.

By J. C. Edwards

Manager.